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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
WATER

Dear :

Over the past 20 years, we have made real progress in reducing levels of toxic chemicals in our nation's rivers, lakes, and streams. However, persistent chemical contaminants arising from industrial and agricultural uses, such as PCBs and chlorinated pesticides, continue to threaten fish and wildlife in some areas. More importantly, the presence of these chemicals in fish poses health risks to people who eat large quantities of fish from local sources, if those sources have high levels of contaminants. For this reason, we want to reaffirm the importance of local fish consumption advisories.

The President's 1994 Executive Order on Environmental Justice requires the Federal Government to identify, characterize, and communicate disproportionate adverse health effects to minority populations and low income populations which may result from differential patterns of consumption of natural resources, including subsistence consumption of fish and shellfish. People in such communities can unknowingly be at risk unless the State, Tribal, and Federal governments work together to provide them with information they need to avoid adverse health effects.

The Environmental Protection Agency (EPA) and the Food and Drug Administration (FDA) work together to ensure that America's commercial food supply does not contain dangerous levels of pesticides. In the case of currently used pesticides, EPA evaluates the potential health risks and establishes maximum residue limits (called tolerances) before registering them for uses which are likely to result in residues in food, and when a pesticide registration is canceled, its tolerances are revoked. FDA is responsible for monitoring food in interstate commerce and enforcing the tolerances established by EPA. Commercially available foods, including fish, with chemical residue levels exceeding the tolerances are subject to seizure or other enforcement action by FDA.

(Note: This letter was sent to all 50 Governors, all 50 State Environmental Commissioners, and over 100 Native American Organizations)

In addition, FDA has set action levels for unavoidable chemical contaminants that persist in the environment when they pose threats to the safety of food in interstate commerce. In the case of fish, most of the action levels are for banned pesticides and the levels are based on recommendations from EPA. If FDA finds fish in interstate commerce with contaminant levels exceeding these action levels, FDA may remove the fish from the marketplace.

While FDA's action levels ensure a safe food supply for consumers of commercial fish, they may not be appropriate levels for ensuring the safety of those who consume locally caught fish. Advisories for locally caught fish may be important, especially for sports/recreational anglers and certain Native American Tribes who consume large amounts of fish and shellfish, some of which may contain disproportionately high levels of contaminants. In determining whether advisories are warranted, however, it is important that consideration be given to the benefits of fish consumption. Consideration of the health benefits of fish consumption is especially important for indigenous people, because changes of their diet may pose much greater health risks (e.g., diabetes, cardiovascular disease) than the risk posed by the continued consumption of foods which contain pesticides and chemical contaminants. Consideration of the benefits of fish consumption is important because, for many indigenous populations, fish provide the most readily available and affordable source of quality, lean protein.

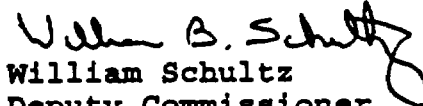
Many States have chosen to protect their residents through the use of local fish consumption advisories that take into account local conditions and local consumption patterns. In order to ensure protection of recreational and subsistence anglers and their families, we recommend that all States assess health risks associated with the consumption of noncommercial fish containing environmentally persistent chemical contaminants, and if appropriate, adopt watershed-specific fish consumption advisories. EPA has been working with the States to establish national consistency in how these local advisories are developed.

We hope this letter clarifies the relative roles of the Federal Government for fish in interstate commerce and the States for local fish consumption advisories. Please contact us if you have any questions about this letter.

Sincerely yours,



Robert Perciasepe
Assistant Administrator
Office of Water



William Schultz
Deputy Commissioner
For Policy
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Administration



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Assistant Administrator
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